

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ARI TEMAN,

Defendant.

19-CR-696 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

This order addresses several housekeeping issues in advance of sentencing in this case, which is scheduled for Wednesday, July 28, 2021, at 1:00 p.m.

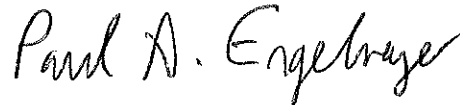
With respect to restitution, the Court will inquire at sentencing as to the sum, if any, which has to date been paid towards the restitution due of \$259,340.32. The Court directs counsel to confer in advance of sentencing as to this factual point. To the extent that restitution has not been paid, the Court notes a difference between the Government's proposed restitution order (Dkt. No. 215-1) and the terms of restitution proposed in the Presentence Report (Dkt. No. 123), in that the Government would require that the defendant pay the outstanding balance immediately whereas the PSR, consistent with the defendant's reported negative net worth, envisions a schedule of payments. The Court asks counsel to confer in advance of sentencing on this point, which the Court will inquire into at sentencing.

With respect to forfeiture, the Government's proposed forfeiture order (Dkt. No. 215-2) envisions the forfeiture of \$333,000, representing the amount of proceeds traceable to the defendant's commission of the bank and wire fraud offenses of which he was found guilty. That figure appears to be incorrect, as the Court understands the sum total of the 29 checks deposited

by the defendant to be \$330,000. The Court will inquire into this at sentencing. The Court will also inquire whether the Government continues, in its discretion, to pursue mandatory forfeiture as a component of punishment in this case. If so, the Government should be prepared to explain the bases on which it elects to pursue such forfeiture in cases of bank and wire fraud, as the Court is aware of cases involving such charges, including defendants who did not proceed to trial, in which forfeiture has not been sought at sentencing.

The Court will also ask the Government at sentencing to confirm that an opportunity to be heard in connection with sentencing has been afforded to the three customers on whose accounts the defendant drew the 29 checks at issue, as well as to Bank of America, to which restitution would be paid.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive, flowing style. The first name "Paul" is written in a larger, more prominent script, followed by "A." and "Engelmayer".

PAUL A. ENGELMAYER
United States District Judge

Dated: July 26, 2021
New York, New York